CUSTOMS BULLETIN AND DECISIONS

Weekly Compilation of

Decisions, Rulings, Regulations, Notices, and Abstracts

Concerning Customs and Related Matters of the

Bureau of Customs and Border Protection

U.S. Court of Appeals for the Federal Circuit

and

U.S. Court of International Trade

VOL. 40 FEBRUARY 22, 2006 NO. 9

This issue contains:

Bureau of Customs and Border Protection

General Notices

DEPARTMENT OF HOMELAND SECURITY

BUREAU OF CUSTOMS AND BORDER PROTECTION

NOTICE

The decisions, rulings, regulations, notices and abstracts which are published in the CUSTOMS BULLETIN are subject to correction for typographical or other printing errors. Users may notify the Bureau of Customs and Border Protection, Office of Finance, Logistics Division, National Support Services Center, Washington, DC 20229, of any such errors in order that corrections may be made before the bound volumes are published.

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Bureau of Customs and Border Protection

General Notices

COPYRIGHT, TRADEMARK, AND TRADE NAME RECORDATIONS

(No. 11 2005)

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

SUMMARY: Presented herein are the copyrights, trademarks, and trade names recorded with U.S. Customs and Border Protection during the month of November 2005. The last notice was published in the CUSTOMS BULLETIN on February 08, 2005. In November 2005, the IPR Branch initiated an on-line recordation system which caused a delay in our monthly reporting. We apologize for any inconvenience.

Corrections or updates may be sent to: Department of Homeland Security, U.S. Customs and Border Protection, Office of Regulations and Rulings, IPR Branch, 1300 Pennsylvania Avenue, N.W., Mint Annex, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Delois Johnson, Paralegal, Intellectual Property Rights Branch, (202) 572–8710.

Dated: February 02, 2006.

GEORGE FREDERICK MCCRAY, ESQ.,
Chief,
Intellectual Property Rights Branch.

CBP IPR Recordations Added Nov. 2005

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 05-00980	11/23/2005	6/15/2006	CASIO	CASIO KEISANKI KABUSHIKI KAISHA	No
TMK 05-00982	11/25/2005	3/21/2010	CHROME HEARTS W/DESIGN	CHROME HEARTS, LLC	No
TMK 05-00983	11/25/2005	9/8/2011	COBBIE CUDDLERS	FOOTSTAR CORPORATION	No
TMK 05-00984	11/25/2005	2/23/2009	THOM MCAN	FOOTSTAR CORPORATION	No
TMK 05-00985	11/25/2005	12/22/2012	TEXAS STEER	FOOTSTAR CORPORATION	No
TMK 05-00986	11/28/2005	5/28/2012	MOLTENI	(REGISTRANT) UNITED SPORT, A SINGLE PROPRIETOR COMPANY	No
TMK 05-00988	11/29/2005	10/29/2012	THE WORDS CHROME HEARTS PLUS A HORSESHOE AND A CROSS	CHROME HEARTS, LLC	No
TMK 05-00987	11/29/2005	11/28/2010	CHROME HEARTS PLUS A HORSESHOE AND A CROSS	CHROME HEARTS, LLC	No

Total Records: 8
Date as of: 1/19/2006

COPYRIGHT, TRADEMARK, AND TRADE NAME RECORDATIONS

(No. 12 2005)

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

SUMMARY: Presented herein are the copyrights, trademarks, and trade names recorded with U.S. Customs and Border Protection during the month of December 2005. The last notice was published in the CUSTOMS BULLETIN on February 08, 2005. In November 2005, the IPR Branch initiated an on-line recordation system which caused a delay in our monthly reporting. We apologize for any inconvenience.

Corrections or updates may be sent to: Department of Homeland Security, U.S. Customs and Border Protection, Office of Regulations and Rulings, IPR Branch, 1300 Pennsylvania Avenue, N.W., Mint Annex, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Delois Johnson, Paralegal, Intellectual Property Rights Branch, (202) 572–8710.

Dated: February 03, 2006.

GEORGE FREDERICK MCCRAY, ESQ.,
Chief,
Intellectual Property Rights Branch.

CBP IPR Recordations Added Dec. 2005

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 05-00989	12/5/2005	5/27/2015	PANTHER MARTIN	HARRISON-HOGE INDUSTRIES, INC.	Yes
TMK 05-01006	12/6/2005	9/13/2015	FELON	BLUE SPHERE, INC	Yes
TMK 05-01007	12/6/2005	9/21/2009	3-STRIPE MARK ON SHOES	ADIDAS-SALOMON AG	No
COP 05-00208	12/6/2005	12/6/2015	LUCKY-13.	ACBLUE SPHERE, INC.	No
TMK 05-01008	12/6/2005	1/11/2014	3-STRIPE MARK ON SHOES (SERRATED EDGED STRIPES)	ADIDAS-SALOMON AG	No
TMK 05-01009	12/6/2005	12/14/2014	3-STRIPE MARK ON SLIDES (SANDAL)	ADIDAS-SALOMON AG	No
TMK 05-00990	12/6/2005	5/17/2015	THE WORDS CHROME HEARTS PLUS A HORSESHOE AND A CROSS	CHROME HEARTS, LLC	No
TMK 05-00991	12/6/2005	2/12/2012	THE WORDS CHROME HEARTS PLUS A HORSESHOE AND A CROSS	CHROME HEARTS, LLC	No
TMK 05-00992	12/6/2005	9/21/2014	THE MARK CONSISTS OF THE OVERALL CONFIGURATION OF A VEHICLE ELECTRONIC FUEL INJE	GSLE SUBCO L.L.C.	No
TMK 05-00996	12/6/2005	9/20/2011	IBEX	IBEX OUTDOOR CLOTHING, LLC	No
TMK 05-00995	12/6/2005	10/4/2015	PARADISE BAY	BDSRCO, INC.	No
TMK 05-00997	12/6/2005	5/7/2012	THE WORDS CHROME HEARTS INSIDE A SCROLL	CHROME HEARTS, LLC	No
TMK 05-00993	12/6/2005	12/14/2014	THE MARK IS A RECTANGULAR SHAPED, CONCAVE HOUSING UNIT WITH ASMALLER APERTURE ON	GSLE SUBCO LLC	No
TMK 05-00994	12/6/2005	10/18/2015	BAY STUDIO	BDSRCO, INC.	No
TMK 05-00998	12/6/2005	7/2/2012	THE WORDS CHROME HEARTS INSIDE A SCROLL	CHROME HEARTS, LLC	No
TMK 05-01005	12/6/2005	9/25/2011	THE TINGLER	EVERYTHINGFORLOVE.COM INC.	No
TMK 05-01002	12/6/2005	7/3/2011	DAGGER & A HEART	CHROME HEARTS, LLC	No
TMK 05-00999	12/6/2005	5/16/2010	THE WORDS CHROME HEARTS INSIDE A SCROLL	CHROME HEARTS, LLC	No
TMK 05-01000	12/6/2005	5/24/2015	THE MARK CONSISTS OF THE WORDS ROYAL DANSK ABOVE THE WORDS DANISHBUTTER COOKIES	KELSENBISCA A/S	No
TMK 05-01001	12/6/2005	3/12/2012	DESIGN OF A TUDOR STYLE COUNTRY HOME AND TREES IN A SEMICIRCLE WITH THE WORDS RO	KELSENBISCA A/S	No
TMK 05-01003	12/6/2005	11/28/2010	DAGGER & A HEART	CHROME HEARTS, LLC	No
TMK 05-01004	12/6/2005	7/1/2007	MANHATTAN PORTAGE	MANHATTAN PORTAGE, LTD.	Yes
TMK 05-01011	12/15/2005	4/3/2014	MACANUDO	GENERAL CIGAR CO., INC.	No
TMK 05-01010	12/15/2005	6/6/2015	COHIBA	GENERAL CIGAR CO., INC.	No
TMK 05-01015	12/19/2005	5/10/2015	KYOCERA	KYOCERA CORPORATION	No
TMK 05-01012	12/19/2005	4/14/2007	PRO BOWL	NATIONAL FOOTBALL LEAGUE	No

TMK 05-01016	12/19/2005	6/24/2006	FILEMAKER	CLARIS CORPORATION	No
TMK 05-01017	12/19/2005	9/25/2011	JUST FOR MEN	COMBE INCORPORATED	No
TMK 05-01019	12/19/2005	2/10/2014	INSOLIA	HBN SHOE LLC.	No
TMK 05-01013	12/19/2005	8/3/2014	S AND DESIGN	ARES TRADING S.A.	No
TMK 05-01014	12/19/2005	10/22/2012	S AND DESIGN	ARES TRADING S.A.	No
TMK 05-01025	12/20/2005	4/5/2015	VDP	JAGUAR CARS LIMITED	No
TMK 05-01064	12/20/2005	2/15/2010	LINCOLN NAVIGATOR	FORD MOTOR COMPANY	No
TMK 05-01065	12/20/2005	12/28/2014	AVIATOR	FORD MOTOR COMPANY	No
TMK 05-01066	12/20/2005	7/31/2011	MONTEREY	FORD MOTOR COMPANY	No
TMK 05-01067	12/20/2005	7/26/2015	MARINER	FORD MOTOR COMPANY	No
TMK 05-01068	12/20/2005	12/14/2014	MILAN	FORD MOTOR COMPANY	No
TMK 05-01070	12/20/2005	10/2/2014	SABLE	FORD MOTOR COMPANY	No
TMK 05-01071	12/20/2005	7/19/2015	MERCURY MONTEGO	FORD MOTOR COMPANY	No
TMK 05-01027	12/20/2005	1/28/2013	XJ	JAGUAR CARS LIMITED	No
TMK 05-01032	12/20/2005	11/9/2013	DEFENDER	LAND ROVER	No
TMK 05-01037	12/20/2005	7/19/2015	LR3	LAND ROVER	No
TMK 05-01028	12/20/2005	4/9/2012	X TYPE	JAGUAR CARS LIMITED	No
TMK 05-01035	12/20/2005	9/15/2008	FREELANDER	LAND ROVER	No
TMK 05-01038	12/20/2005	2/1/2010	FOCUS	FORD MOTOR COMPANY	No
TMK 05-01053	12/20/2005	4/6/2012	EXPLORER	FORD MOTOR COMPANY	No
TMK 05-01063	12/20/2005	5/10/2015	LINCOLN LS	FORD MOTOR COMPANY	No
TMK 05-01069	12/20/2005	4/8/2009	MARQUIS	FORD MOTOR COMPANY	No
TMK 05-01020	12/20/2005	11/27/2011	VANQUISH	ASTON MARTIN LAGONDA LIMITED	No
TMK 05-01022	12/20/2005	3/5/2015	VOLANTE	ASTON MARTIN LAGONDA LIMITED	No
TMK 05-01024	12/20/2005	1/15/2012	XKR	JAGUAR CARS LIMITED	No
TMK 05-01026	12/20/2005	7/15/2013	XK	JAGUAR CARS LIMITED	No
TMK 05-01029	12/20/2005	11/6/2014	VANDEN PLAS	JAGUAR CARS LIMITED	No
TMK 05-01030	12/20/2005	5/7/2012	JAGUAR S-TYPE	JAGUAR CARS LIMITED	No
TMK 05-01031	12/20/2005	10/24/2009	DESIGN OF ANIMAL/CAT HEAD	JAGUAR CARS LIMITED	No
TMK 05-01033	12/20/2005	6/13/2015	DISCOVERY	LAND ROVER	No
TMK 05-01034	12/20/2005	10/23/2014	DISCOVERY	LAND ROVER	No
TMK 05-01036	12/20/2005	2/15/2012	RANGE ROVER	LAND ROVER	No
TMK 05-01039	12/20/2005	4/7/2008	TAURUS	FORD MOTOR COMPANY	No
TMK 05-01040	12/20/2005	9/2/2006	TAURUS	FORD MOTOR COMPANY	No
TMK 05-01041	12/20/2005	3/31/2008	FREESTYLE	FORD MOTOR COMPANY	No
TMK 05-01042	12/20/2005	9/20/2015	FORD GT	FORD MOTOR COMPANY	No
TMK 05-01043	12/20/2005	12/13/2014	THUNDERBIRD	FORD MOTOR COMPANY	No
TMK 05-01044	12/20/2005	8/20/2006	THUNDERBIRD	FORD MOTOR COMPANY	No
TMK 05-01045	12/20/2005	10/3/2007	RANGER	FORD MOTOR COMPANY	No
TMK 05-01046	12/20/2005	9/7/2009	RANGER	FORD MOTOR COMPANY	No
TMK 05-01047	12/20/2005	10/20/2008	F-150	FORD MOTOR COMPANY	No
TMK 05-01048	12/20/2005	3/21/2010	SUPER DUTY	FORD MOTOR COMPANY	No

TMK 05-01049	12/20/2005	5/15/2011	ESCAPE	FORD MOTOR COMPANY	No
TMK 05-01050	12/20/2005	3/7/2015	EXPLORER SPORT	FORD MOTOR COMPANY	No
TMK 05-01051	12/20/2005	3/13/2011	EXPLORER SPORT TRAC	FORD MOTOR COMPANY	No
TMK 05-01052	12/20/2005	4/28/2008	EXPLORER	FORD MOTOR COMPANY	No
TMK 05-01054	12/20/2005	5/27/2007	EXPLORER	FORD MOTOR COMPANY	No
TMK 05-01055	12/20/2005	10/3/2015	EXPEDITION	FORD MOTOR COMPANY	No
TMK 05-01056	12/20/2005	4/28/2008	EXPEDITION	FORD MOTOR COMPANY	No
TMK 05-01057	12/20/2005	1/11/2010	EXCURSION	FORD MOTOR COMPANY	No
TMK 05-01058	12/20/2005	6/28/2008	ECONOLINE	FORD MOTOR COMPANY	No
TMK 05-01059	12/20/2005	9/13/2015	FORD FIVE HUNDRED	FORD MOTOR COMPANY	No
TMK 05-01060	12/20/2005	12/19/2015	FORD F-100	FORD MOTOR COMPANY	No
TMK 05-01061	12/20/2005	9/4/2011	F-250	FORD MOTOR COMPANY	No
TMK 05-01062	12/20/2005	9/18/2011	F-350	FORD MOTOR COMPANY	No
TMK 05-01072	12/20/2005	3/27/2011	TAMIFLU	HOFFMANN-LA ROCHE INC.	No
TMK 05-01073	12/20/2005	6/4/2012	TAMIFLU AND STARBURST DESIGN	HOFFMANN-LA ROCHE INC.	No
TMK 05-01021	12/20/2005	5/28/2015	VANTAGE	ASTON MARTIN LAGONDA LIMITED	No
TMK 05-01023	12/20/2005	8/2/2015	CUBE LOGO DESIGN	TRAVEL SENTRY, INC.	Yes
TMK 05-01074	12/21/2005	3/15/2014	BOTTLE DESIGN WITH GREEN TWIST CAP	HUY FONG FOODS INC.	No

Total Records: 86
Date as of: 1/19/2006

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(No. 1 2006)

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

SUMMARY: Presented herein are the copyrights, trademarks, and trade names recorded with U.S. Customs and Border Protection during the month of January 2006. The last notice was published in the CUSTOMS BULLETIN on February 08, 2005. In November 2005, the IPR Branch initiated an on-line recordation system which caused a delay in our monthly reporting. We apologize for any inconvenience.

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FOR FURTHER INFORMATION CONTACT: Delois Johnson, Paralegal, Intellectual Property Rights Branch, (202) 572–8710.

Dated: February 06, 2006.

GEORGE FREDERICK MCCRAY, ESQ.,
Chief,
Intellectual Property Rights Branch.

CBP IPR Recordations - January 2006

Recordation No.	Effective Date		Name of Cop/Tmk/Tnm	Owner Name	
TMK 06-00001	1/4/2006	8/5/2013	NEULASTA	AMGEN INC.	No
TMK 06-00002	1/4/2006	7/17/2014	MACLAREN	ARMON LIMITED	No
TMK 06-00003	1/4/2006	11/13/2010	AMGEN	AMGEN INC.	No
TMK 06-00004	1/4/2006	8/13/2012	ARANESP	AMGEN INC.	No
TMK 06-00005	1/4/2006	1/26/2009	ENBREL	IMMUNEX CORPORATION	No
TMK 06-00006	1/4/2006	5/22/2010	NEUPOGEN	AMGEN INC.	No
TMK 06-00008	1/4/2006	10/14/2007	BEN SHERMAN	BEN SHERMAN GROUP LIMITED	No
COP 06-00001	1/4/2006	10/26/2015	CONCEPT II FLUSH.	ACMINKA LIGHTING, INC.	No
TMK 06-00007	1/4/2006	2/21/2015	MEDALLION	MEDALLION, INC.	No
TMK 87-00175	1/5/2006	11/5/2015	PANDA BRAND IN CHINESE CHARACTERS	LEE KUM KEE CO. LTD.	No
TMK 06-00009	1/6/2006	2/15/2015	GZHELKA VODKA OF RUSSIA	ZAO LIVIZ	No
TMK 06-00010	1/6/2006	1/18/2013	NOTRE DAME	THE UNIVERSITY OF NOTRE DAME DU LAC	No
TMK 06-00018	1/9/2006	10/17/2015	ROBIN	FUJI JUKOGYO KABUSHIKI KAISHA DBA FUJI HEAVY INDUSTRIES, LTD.	No
TMK 06-00019	1/9/2006	7/23/2012	ROBIN SUBARU	FUJI JUKOGYO KABUSHIKI KAISHA DBA FUJI HEAVY INDUSTRIES, LTD.	No
TMK 06-00017	1/9/2006	5/1/2011	POPPERS	BODYONICS, LTD.	No
TMK 06-00012	1/9/2006	5/17/2013	UNIVERSITY OF NOTRE DAME SEAL	THE UNIVERSITY OF NOTRE DAME DU LAC	No
TMK 06-00013	1/9/2006	3/8/2013	DESIGN OF A FIGHTING LEPRECHAUN	THE UNIVERSITY OF NOTRE DAME DU LAC	No
TMK 06-00015	1/9/2006	10/18/2015	ECHINACEA PLUS	TRADITIONAL MEDICINALS, INC.	No
TMK 06-00016	1/9/2006	7/4/2015	ECHINACEA PLUS	TRADITIONAL MEDICINALS, INC.	No
TMK 06-00014	1/9/2006	4/25/2011	INTERLOCKING ND	THE UNIVERSITY OF NOTRE DAME DU LAC	No
TMK 06-00011	1/9/2006	2/19/2006	UNIVERSITY OF NOTRE DAME	THE UNIVERSITY OF NOTRE DAME DU LAC	No
TMK 06-00021	1/10/2006	6/13/2008	ROBIN	FUJI JUKOGYO KABUSHIKI KAISHA DBA FUJI HEAVY INDUSTRIES, LTD.	No
TMK 06-00020	1/10/2006	10/19/2014	DE LA TIA	ANTONIO ORDOÑEZ MANCERA D/B/A LABORATORIOS ORDONEZ, S.A. DE C.V.	No
TMK 06-00022	1/10/2006	9/17/2015	CARDURA	PFIZER INC.	No
TMK 06-00040	1/12/2006	2/17/2008	SHOGUN	HUNTER PACIFIC LTD	No
TMK 06-00032	1/12/2006	9/16/2015	CHLOE	CHLOE, S.A.	No

TMK 06-00029	1/12/2006	8/5/2013	CHLOE	CHLOE S.A.	No
TMK 06-00030	1/12/2006	6/14/2008	CHLOE	CHLOE, S.A.	No
TMK 06-00025	1/12/2006	12/5/2008	D & DESIGN (CIRCLES WITH TWO BREAKS OR DIVIDED IN THE MIDDLE)	ALFRED DUNHILL LIMITED	No
TMK 06-00028	1/12/2006	10/17/2010	LAGERFELD JAKO	P.I. FASHION B.V.	No
TMK 06-00026	1/12/2006	4/5/2015	GIT-R-DONE	DANIEL D. WHITNEY	No
TMK 06-00031	1/12/2006	11/22/2008	CHLOE	CHLOE, S.A.	No
TMK 06-00024	1/12/2006	1/25/2014	CHLOE NARCISSE	CHLOE, S.A.	No
TMK 06-00027	1/12/2006	8/20/2015	D	ALFRED DUNHILL LIMITED	No
TMK 06-00037	1/12/2006	4/22/2007	RSC	TARA LABS INC.	No
TMK 06-00023	1/12/2006	6/18/2015	LAGERFELD	P.I. FASHION B.V.	No
TMK 06-00033	1/12/2006	1/27/2014	SEMI-AUTOMATIC PISTOL DESIGN	GLOCK, INC.	No
TMK 06-00034	1/12/2006	9/13/2015	KIDLOOKS	BDSRCO	No
TMK 06-00035	1/12/2006	10/16/2010	TUONG OT TOI VIET-NAM	HUY FONG FOODS INC.	No
TMK 06-00036	1/12/2006	10/16/2010	TUONG OT SRIRACHA	HUY FONG FOODS INC.	No
TMK 06-00039	1/12/2006	3/15/2014	JAR DESIGN WITH GREEN LID	HUY FONG FOODS INC.	No
TMK 06-00038	1/12/2006	9/16/2015	THE LIMITED	LIMCO, INC.	No
TMK 06-00043	1/13/2006	10/16/2010	HUY FONG FOODS INC. SINCE 1980 & ROOSTER DESIGN WITH CHINESE CHARACTERS	HUY FONG FOODS INC.	No
TMK 06-00046	1/13/2006	12/7/2013	COLORS BLUE AND ORANGE ON METAL ROPE BLOCKS	THE CROSBY GROUP INC.	No
TMK 06-00041	1/13/2006	5/17/2015	NARUTO	KABUSHIKI KAISHA SHUEISHA, TA SHUEISHA INC.	No
TMK 06-00044	1/13/2006	2/15/2014	SAIZEN	ARES TRADING S.A.	No
TMK 06-00042	1/13/2006	5/7/2006	OVIDREL	ARES TRADING S.A.	No
TMK 06-00045	1/13/2006	3/8/2010	TARLESS FILTER	NINO F. FERRETTI	No
TMK 06-00047	1/13/2006	2/22/2014	COLOR RED FOR A SHACKLE PIN (CONFIGURATION OF A THREADED FASTENER)	THE CROSBY GROUP, INC.	No
TMK 06-00053	1/17/2006	9/6/2015	AIRS	CLOVER GIFTS INC.	No
TMK 06-00054	1/17/2006	8/31/2014	DESIGN ONLY	WINGO SPORTS GROUP INC.	Yes
TMK 06-00051	1/17/2006	8/25/2012	Q AND DESIGN	THE CROSBY GROUP INC.	No
TMK 06-00052	1/17/2006	7/11/2012	DESIGN ONLY	THE CROSBY GROUP INC.	No
TMK 06-00050	1/17/2006	2/5/2012	LUVERIS	ARES TRADING S.A.	No
TMK 06-00048	1/17/2006	6/18/2012	S SERONO AND DESIGN	ARES TRADING S.A.	No
TMK 06-00049	1/17/2006	12/27/2014	NO FEAR	NO FEAR, INC.	No
TMK 06-00055	1/18/2006	11/1/2014	FLORIDA AND DESIGN	FLORIDA MARLINS, L.P.	No
COP 06-00002	1/19/2006	1/18/2026	KING KONG ; KONG 8TH WONDER OF THE WORLD.	ACUNIVERSAL CITY STUDIOS, LLLP	No
TMK 06-00057	1/19/2006	11/11/2013	INFINITY WATER	KOSZTOLANYI, NORA	No
TMK 06-00058	1/19/2006	1/7/2013	RSC AIR	TARA LABS INC.	No

TMK 06-00056	1/19/2006	6/13/2009	EPOGEN	AMGEN INC.	No
TMK 05-00775	1/19/2006	9/18/2014	ZIPPO	ZIPPMARK INC.	No
TMK 06-00070	1/20/2006	10/22/2006	WINDOWS FOR YOUR HEAD	SPY OPTIC, INC.	No
TMK 06-00062	1/20/2006	8/24/2009	ANTARCTICA	AMBEV USA, INC.	No
TMK 06-00071	1/20/2006	1/3/2016	SPILL MAGIC (WITH DESIGN)	MAGIC-4, INC.	No
TMK 06-00061	1/20/2006	7/27/2014	SENSIPAR	AMGEN INC.	No
TMK 06-00077	1/20/2006	7/15/2013	GOLDEN BEACH	YORK INTERNATIONAL INDUSTRIES, INC.	No
TMK 06-00079	1/20/2006	11/19/2012	TRISH MCEVOY	TRISH MCEVOY LTD	No
TMK 06-00080	1/20/2006	1/27/2008	THE EPICENTER	ELECTRONIC ENGINEERING AND MANUFACTURING, INC.	No
TMK 05-01018	1/20/2006	9/9/2010	CROSBY	THE CROSBY GROUP INC.	No
TMK 06-00059	1/20/2006	7/6/2014	GAIA	PI, INC. (TENNESSE CORPORATION)	No
TMK 06-00081	1/20/2006	2/11/2013	IMMUNEX	IMMUNEX CORPORATION	No
TMK 06-00063	1/20/2006	11/7/2015	INFERGEN	AMGEN INC.	No
TMK 06-00072	1/20/2006	6/25/2012	KINERET	AMGEN INC.	No
TMK 06-00060	1/20/2006	11/22/2015	ICE SAKAMICHI PARIS	SUSHMAA INTERNATIONAL, INC.	No
TMK 06-00073	1/20/2006	3/28/2006	MATINEE	MATINEE COMPANY INC.	No
TMK 06-00064	1/20/2006	9/19/2015	PEPE JEANS	PEPE JEANS LONDON, LLC	No
TMK 06-00065	1/20/2006	2/25/2007	NO FEAR	NO FEAR, INC.	No
TMK 06-00067	1/20/2006	9/2/2007	NO FEAR	NO FEAR, INC.	No
TMK 06-00066	1/20/2006	4/24/2011	OVAL WITH A DESIGN IN THE CENTER	NO FEAR, INC.	No
TMK 06-00068	1/20/2006	6/18/2006	NO FEAR	SPY OPTIC, INC.	No
TMK 06-00069	1/20/2006	3/24/2008	SCOOP	SPY OPTIC, INC.	No
TMK 06-00083	1/20/2006	8/26/2007	PLUS SYSTEM	SPY OPTIC, INC.	No
TMK 06-00086	1/20/2006	2/17/2008	DESIGN OF A TRIDENT.	SPY OPTIC, INC.	No
TMK 06-00093	1/20/2006	8/21/2014	CANDIE'S	IP HOLDINGS LLC	No
TMK 06-00074	1/20/2006	11/8/2014	PEPE JEANS LONDON	PEPE JEANS LONDON, LLC	No
TMK 06-00087	1/20/2006	12/6/2015	PRASTARA	DOUGLAS HOPKINS	No
TMK 06-00094	1/20/2006	8/31/2012	CANDIE'S	IP HOLDINGS LLC	No
TMK 06-00095	1/20/2006	5/19/2011	CANDIE'S	IP HOLDINGS LLC	No
TMK 06-00082	1/20/2006	9/7/2014	ERCHONIA	ERCHONIA MEDICAL, INC.	No
TMK 06-00084	1/20/2006	5/12/2008	DESIGN OF A PLUS SIGN	SPY OPTIC, INC.	No
TMK 06-00085	1/20/2006	2/24/2008	DIAMONDFORCE	SPY OPTIC, INC.	No
TMK 06-00089	1/20/2006	10/7/2013	KENTOUR	DONY (LOS ANGELES) CORP.	No
TMK 06-00090	1/20/2006	6/15/2014	M3	TAYLOR MADE GOLF COMPANY, INC. DBA TAYLORMADE-ADIDAS GOLF COMPANY	No
TMK 06-00091	1/20/2006	3/2/2014	ROSSA	TAYLOR MADE GOLF COMPANY, INC. DBA TAYLORMADE-ADIDAS GOLF COMPANY	No

TMK 06-00092	1/20/2006	12/7/2014	BIRD IN SHIELD DESIGN	TAYLOR MADE GOLF COMPANY, INC. DBA TAYLORMADE-ADIDAS GOLF COMPANY	No
TMK 06-00075	1/20/2006	1/6/2014	ANTARCTICA, GUARANA, AND THE BRAZILIAN ORIGINAL DESIGN PLUS WORDS	AMBEV USA, INC.	No
TMK 06-00076	1/20/2006	2/15/2014	NO FEAR	NO FEAR, INC.	No
TMK 06-00078	1/20/2006	2/24/2014	NO FEAR	NO FEAR, INC.	No
TMK 06-00096	1/23/2006	7/28/2012	KINGSTON	KINGSTON TECHNOLOGY CORPORATION	No
TMK 06-00098	1/23/2006	10/18/2008	JUST FOR MEN	COMBE INCORPORATED	No
TMK 06-00099	1/23/2006	7/9/2012	FILEMAKER AND THE FILE FOLDER LOGO	FILEMAKER, INC.	No
TMK 06-00097	1/23/2006	8/15/2010	TEVA	DECKERS OUTDOOR CORPORATION	No
TMK 06-00100	1/23/2006	12/21/2013	FILEMAKER	FILEMAKER INC.	No
TMK 06-00101	1/23/2006	9/24/2015	M1	COOPER INDUSTRIES INC.	No
TMK 06-00102	1/24/2006	6/26/2014	VICTOR & DESIGN	WOODSTREAM CORPORATION	No
TMK 06-00103	1/24/2006	5/13/2013	V	WOODSTREAM CORPORATION	No
TMK 06-00104	1/24/2006	2/3/2014	VICTOR	WOODSTREAM CORPORATION	No
COP 06-00003	1/24/2006	1/10/2016	FILEMAKER PRO 7.	ACFILEMAKER, INC.	No
TMK 06-00105	1/25/2006	8/23/2015	DIVIN & DESIGN	DEPARTAMENTUL AGROINDUSTRIAL	No
TMK 06-00116	1/25/2006	12/20/2015	TROPIX	BDSRCO, INC.	No
TMK 06-00111	1/25/2006	10/4/2013	ADIDAS & DESIGN	ADIDAS-SALOMON AG	No
TMK 06-00112	1/25/2006	12/18/2014	DESIGN ONLY	ADIDAS-SALOMON AG	No
TMK 06-00113	1/25/2006	10/16/2014	ADIDAS	ADIDAS-SALOMON AG	No
TMK 06-00114	1/25/2006	11/19/2012	CLIMACOOL	ADIDAS INTERNATIONAL MARKETING B.V.	No
COP 06-00004	1/25/2006	1/25/2026	PHOENIX.	ACFUVILLAGE INDUSTRY COMPANY, LTD.	No
TMK 06-00117	1/25/2006	9/27/2015	DESIGN ONLY	TAYLOR MADE GOLF COMPANY, INC. DBA TAYLORMADE- ADIDAS GOLF COMPANY	No
TMK 06-00124	1/25/2006	4/9/2012	REBIF	ARES TRADING S.A.	No
TMK 06-00110	1/25/2006	9/21/2009	DESIGN ONLY	ADIDAS-SALOMON AG	No
TMK 06-00115	1/25/2006	12/12/2010	DESIGN ONLY	ADIDAS INTERNATIONAL MARKETING B.V.	No
TMK 06-00118	1/25/2006	6/1/2014	MISELA	TAYLOR MADE GOLF COMPANY, INC. DBA TAYLORMADE-ADIDAS GOLF COMPANY	No
TMK 06-00119	1/25/2006	7/20/2014	TAYLITE	TAYLORMADE GOLF COMPANY, INC. DBA TAYLORMADE-ADIDAS GOLF COMPANY	No

TMK 06-00120	1/25/2006	8/3/2014	ROSSA AND DESIGN	TAYLOR MADE GOLF COMPANY, INC. DBA TAYLORMADE-ADIDAS GOLF COMPANY	No
TMK 06-00121	1/25/2006	6/24/2013	NOODLE	TAYLOR MADE GOLF COMPANY, INC. DBA TAYLORMADE-ADIDAS GOLF COMPANY	No
TMK 06-00126	1/25/2006	2/20/2013	MAXFLI	TAYLOR MADE GOLF COMPANY, INC. DBA TAYLORMADE-ADIDAS GOLF COMPANY	No
TMK 06-00122	1/25/2006	11/16/2014	TOUR PREFERRED	TAYLOR MADE GOLF COMPANY, INC. DBA TAYLORMADE-ADIDAS GOLF COMPANY	No
TMK 06-00106	1/25/2006	11/19/2012	DESIGN ONLY	ADIDAS INTERNATIONAL B.V.	No
TMK 06-00107	1/25/2006	1/22/2012	DESIGN ONLY	ADIDAS INTERNATIONAL B.V.	No
TMK 06-00108	1/25/2006	2/24/2008	ADIDAS	ADIDAS-SALOMON AG	No
TMK 06-00109	1/25/2006	5/6/2007	DESIGN ONLY	ADIDAS-SALOMON AG	No
TMK 06-00123	1/25/2006	12/20/2015	R7	TAYLOR MADE GOLF COMPANY, INC.	No
TMK 06-00125	1/25/2006	4/2/2015	LEE KUM KEE	LEE KUM KEE COMPANY LIMITED	No
TMK 06-00132	1/26/2006	9/13/2015	AXCESS & DESIGN	L.C. LICENSING, INC.	No
TMK 06-00138	1/26/2006	7/5/2015	EL VIEJITO & DESIGN	TEQUILA EL VIEJITO, S.A. DE C.V.	No
TMK 06-00135	1/26/2006	5/10/2015	S & DESIGN	SUPER CFA INC.	No
TMK 06-00134	1/26/2006	9/2/2015	AXCESS & DESIGN	L.C. LICENSING, INC.	No
TMK 06-00136	1/26/2006	9/19/2010	TOMMY	TOMMY HILFIGER LICENSING, INC.	No
TMK 06-00137	1/26/2006	5/10/2015	DESIGN ONLY	TAPCO, INC.	No
TMK 06-00139	1/26/2006	9/6/2015	ADV FILMS & DESIGN	A.D. VISION, INC.	No
TMK 06-00127	1/26/2006	5/6/2007	ST. AUMONT	L.C. LICENSING, INC.	No
TMK 06-00130	1/26/2006	11/29/2015	TYLIE MALIBU WITH "T" LOGO	TYLIE, INC.	No
TMK 06-00131	1/26/2006	11/19/2012	THE COLOR RED	LINCOLN GLOBAL, INC.	No
TMK 06-00133	1/26/2006	2/8/2015	RECORDING KING	FREDERICK K. SHEPPARD	No
TMK 06-00128	1/26/2006	7/19/2015	MICHAELA	L.C. LICENSING, INC.	No
TMK 06-00148	1/27/2006	3/28/2015	PLAYBOY	PLAYBOY ENTERPRISES INTERNATIONAL INC.	No
TMK 06-00152	1/27/2006	9/6/2015	KIDS LEGACY CLASSIC	LEGACY CLASSIC FURNITURE INC.	No
TMK 06-00143	1/27/2006	9/27/2015	E	ERCHONIA MEDICAL, INC.	No
TMK 06-00144	1/27/2006	12/11/2014	RABBIT HEAD DESIGN	PLAYBOY ENTERPRISES INC.	No
TMK 06-00145	1/27/2006	6/1/2006	PLAYBOY	PLAYBOY ENTERPRISES INC.	No
TMK 06-00146	1/27/2006	1/19/2015	PLAYBOY	PLAYBOY ENTERPRISES INTERNATIONAL INC.	No
TMK 06-00153	1/27/2006	10/4/2015	OUTLOOKS	BDSRCO	No
TMK 06-00149	1/27/2006	1/25/2015	HMS BOUNTY	PREFERRED COMPUTER TRADING CORPORATION	No
TMK 06-00151	1/27/2006	5/24/2013	GONAL-F	ARES TRADING S.A.	No
TMK 06-00142	1/27/2006	4/11/2009	LIGHTENING BOLT & DESIGN	ADVANCED POWER TECHNOLOGY	No
TMK 06-00140	1/27/2006	9/6/2015	SUPER 82	TRUCK-LITE CO., INC.	No

TMK 06-00147	1/27/2006	4/15/2013	PLAYBOY	PLAYBOY ENTERPRISES INTERNATIONAL INC.	No
TMK 06-00150	1/27/2006	4/8/2013	DESIGN	IINTERLEMO HOLDING SA	No
TMK 06-00141	1/27/2006	12/1/2012	NO FEAR	NO FEAR, INC.	No
TMK 06-00155	1/30/2006	6/21/2015	RONSON	RONSON CORPORATION	No
TMK 06-00154	1/30/2006	9/10/2009	RONSON	RONSON CORPORATION	No
TMK 06-00156	1/30/2006	4/14/2014	RONSON	RONSON CORPORATION	No
TMK 06-00157	1/31/2006	8/9/2015	PHONE SPEC	QINTAR TECHNOLOGIES INC.	No
TMK 06-00158	1/31/2006	5/28/2012	COFFIN CASE	JON SCOTT EDWARDS	No
TMK 96-00362	1/31/2006	12/3/2015	DRAGON BALM	CHUNG INC., DBA SUPERIOR TRADING COMPANY	No

Total Records: 164
Date as of: 2/2/2006

DEPARTMENT OF HOMELAND SECURITY,
OFFICE OF THE COMMISSIONER OF CUSTOMS.
Washington, DC, February 8, 2006

The following documents of the Bureau of Customs and Border Protection ("CBP"), Office of Regulations and Rulings, have been determined to be of sufficient interest to the public and CBP field offices to merit publication in the CUSTOMS BULLETIN.

Myles B. Harmon for SANDRA L. BELL,
Acting Assistant Commissioner,
Office of Regulations and Rulings.

PROPOSED REVOCATION OF RULING LETTER AND REVOCATION OF TREATMENT RELATING TO THE TARIFF CLASSIFICATION OF ANTIMONY TRISULPHIDE

AGENCY: Bureau of Customs and Border Protection; Department of Homeland Security.

ACTION: Proposed revocation of a tariff classification ruling letter and revocation of treatment relating to the classification of antimony trisulphide.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930, as amended (19 U.S.C. 1625(c)), this notice advises interested parties that Customs and Border Protection (CBP) is proposing to revoke one ruling letter relating to the tariff classification of antimony trisulphide under the Harmonized Tariff Schedule of the United States Annotated (HTSUSA). CBP is also proposing to revoke any treatment previously accorded by it to substantially identical merchandise.

DATE: Comments must be received on or before March 24, 2006.

ADDRESS: Written comments are to be addressed to U.S. Customs and Border Protection, Office of Regulations & Rulings, Attention: Trade and Commercial Regulations Branch, 1300 Pennsylvania Avenue N.W., Washington, D.C. 20229. Submitted comments may be inspected at the offices of U.S. Customs and Border Protection, 799 9th Street, NW, Washington, D.C. during regular business hours. Arrangements to inspect submitted comments should be made in advance by calling Mr. Joseph Clark at (202) 572–8768.

FOR FURTHER INFORMATION CONTACT: Kelly Herman, Tariff Classification and Marking Branch: (202) 572–8713.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On December 8, 1993, Title VI, (Customs Modernization), of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat. 2057) (hereinafter "Title VI"), became effective. Title VI amended many sections of the Tariff Act of 1930, as amended, and related laws. Two new concepts which emerge from the law are "**informed compliance**" and "**shared responsibility**." These concepts are premised on the idea that in order to maximize voluntary compliance with customs laws and regulations, the trade community needs to be clearly and completely informed of its legal obligations. Accordingly, the law imposes a greater obligation on CBP to provide the public with improved information concerning the trade community's responsibilities and rights under the customs and related laws. In addition, both the trade and CBP share responsibility in carrying out import requirements. For example, under section 484 of the Tariff Act of 1930, as amended (19 U.S.C. § 1484), the importer of record is responsible for using reasonable care to enter, classify and value imported merchandise, and provide any other information necessary to enable CBP to properly assess duties, collect accurate statistics and determine whether any other applicable legal requirement is met.

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. 1625(c)(1)), as amended by section 623 of Title VI, this notice advises interested parties that CBP is proposing to revoke one ruling letter pertaining to the tariff classification of antimony trisulphide. Although in this notice, CBP is specifically referring to the revocation of New York Ruling Letter (NY) R01069, dated December 8, 2004 (Attachment A), this notice covers any rulings on this merchandise which may exist but have not been specifically identified. CBP has undertaken reasonable efforts to search existing databases for rulings in addition to the one identified. No further rulings have been found. Any party who has received an interpretive ruling or decision (i.e., a ruling letter, internal advice memorandum or decision or protest review decision) on the merchandise subject to this notice should advise CBP during the notice period.

Similarly, pursuant to section 625(c)(2), Tariff Act of 1930 (19 U.S.C. 1625(c)(2)), as amended by section 623 of Title VI, CBP is proposing to revoke any treatment previously accorded by CBP to substantially identical transactions. Any person involved in substantially identical transactions should advise CBP during this notice period. An importer's failure to advise CBP of substantially identical transactions or of a specific ruling not identified in this notice, may raise issues of reasonable care on the part of the importer or its agents for importations of merchandise subsequent to the effective date of the final decision on this notice.

In NY R01069, CBP ruled that antimony trisulphide was classified in subheading 2830.90.0000, HTSUSA, which provides for "Sulfides; polysulfides, whether or not chemically defined: Other." Since the issuance of that ruling, CBP has reviewed the classification of this item and has determined that the cited ruling is in error, and that the antimony trisulphide should be classified in subheading 2617.10.0000, HTSUS, which provides for "Other ores and concentrates: Antimony ores and concentrates."

Pursuant to 19 U.S.C. 1625(c)(1), CBP is proposing to revoke NY R01069 and any other ruling not specifically identified, to reflect the proper classification of antimony trisulphide according to the analysis contained in Headquarters Ruling Letter (HQ) 967661, set forth as Attachment B to this document. Additionally, pursuant to 19 U.S.C. 1625(c)(2), CBP is proposing to revoke any treatment previously accorded by CBP to substantially identical transactions. Before taking this action, we will give consideration to any written comments timely received.

DATED: February 6, 2006

MYLES B. HARMON,
Director,
Commercial and Trade Facilitation Division.

Attachments

[ATTACHMENT A]

DEPARTMENT OF HOMELAND SECURITY.
BUREAU OF CUSTOMS AND BORDER PROTECTION,

NY R01069
December 8, 2004
CLA–2–28:RR:NC:SP:236 R01069
CATEGORY: Classification
TARIFF NO.: 2830.90.0000

MR. JOSEPH R. HOFFACKER
BARTHCO TRADE CONSULTANTS
The Navy Yard
5101 S. Broad Street
Philadelphia, PA 19112–1404

RE: The tariff classification of Antimony Trisulphide (CAS# 1345–04–6) from Italy

DEAR MR. HOFFACKER:

In your letter dated November 15, 2004, on behalf of your client, Asbury Graphite Mills, Inc., you requested a tariff classification ruling.

The applicable subheading for the Antimony Trisulphide will be 2830.90.0000, Harmonized Tariff Schedule of the United States (HTS),

which provides for Sulifides; polysulfides, whether or not chemically defined: Other. The rate of duty will be 3 percent ad valorem.

This ruling is being issued under the provisions of Part 177 of the Customs Regulations (19 C.F.R. 177).

A copy of the ruling or the control number indicated above should be provided with the entry documents filed at the time this merchandise is imported. If you have any questions regarding the ruling, contact National Import Specialist Debra Wholey at 646–733–3034.

ROBERT B. SWIERUPSKI,
Director,
National Commodity Specialist Division.

[ATTACHMENT B]

DEPARTMENT OF HOMELAND SECURITY.
BUREAU OF CUSTOMS AND BORDER PROTECTION,

HQ 967661
CLA–2 RR:CTF:TCM 967661 KSH
TARIFF NO.: 2617.10.0000

JOSEPH R. HOFFACKER
BARTHCO TRADE CONSULTANTS
The Navy Yard
5101 S. Broad Street
Philadelphia, PA 19112

RE: Revocation of New York Ruling Letter (NY) R01069, dated December 8, 2004; Classification of antimony trisulphide.

DEAR MR. HOFFACKER:

This is in response to your letter of April 7, 2005, in which you request reconsideration of New York Ruling Letter (NY) R01069, issued to your client Asbury Graphite Mills, Inc., on December 8, 2004, concerning the classification under the Harmonized Tariff Schedule of the United States (HTSUS) of antimony trisulphide. The antimony trisulphide was classified in subheading 2830.90.0000, HTSUS, which provides for "Sulfides; polysulfides, whether or not chemically defined: Other." You assert that because the merchandise at issue is antimony ore it is classified in subheading 2617.10.0000, HTSUS, which provides for "Other ores and concentrates: Antimony ores and concentrates." CBP has reviewed the classification of this item and has determined that the cited ruling is in error. In reaching this determination, we have also considered your submissions of January 25, 2006 and January 30, 2006.

FACTS:

The antimony trisulphide is stibnite which contains 1% quartz. It is mined in Italy in open-pit and under-ground mines. The ores have a medium-high concentration of Antimony Trisulphide (40–60%). To separate the Antimony Trisulphide from gangue, ores are enriched using the typical mining method of ore-flotation process, in which the ores are crushed and

powders are agitated with water containing a foaming agent and an agent to make the Antimony bearing particles water-repellent. These particles accumulate in the froth on the surface of the flotation tank, and this froth is skimmed off. The concentrates (65–69% Antimony Trisulphide) are dried and then grinded, using a hammer mill, to requested granulometry. The final product is bagged in 25 kg paper bags. The antimony trisulphide is imported to be sold to manufacturers of brake pads.

ISSUE:

Whether the antimony trisulphide is classified as a sulfide or polysulfide of heading 2830, HTSUS, or as an antimony ore or concentrate of heading 2617, HTSUS.

LAW AND ANALYSIS:

Classification of goods under the HTSUSA is governed by the General Rules of Interpretation (GRI). GRI 1 provides that classification shall be determined according to the terms of the headings of the tariff schedule and any relative section or chapter notes. In the event that the goods cannot be classified solely on the basis of GRI 1, and if the headings and legal notes do not otherwise require, the remaining GRI may then be applied. The Harmonized Commodity Description and Coding System Explanatory Notes (EN), constitute the official interpretation of the Harmonized System at the international level. While neither legally binding nor dispositive, the EN provide a commentary on the scope of each heading of the HTSUSA and are generally indicative of the proper interpretation of the headings.

Heading 2617, HTSUS, provides for "Other ores and concentrates." The E.N. to heading 2617, HTSUS, provides the following in relevant part:

The principal ores generally classified in this heading are:

(1) **Antimony ores.**

* * *

(d) Stibnite (or antimonite), antimony sulphide

* * *

Chapter Note 2 to Chapter 26, HTSUS, provides the following:

> For the purposes of headings 2601 to 2617, the term " ores " means minerals of mineralogical species actually used in the metallurgical industry for the extraction of mercury, of the metals of heading 2844 or of the metals of Section XIV or XV, even if they are intended for non-metallurgical purposes. Headings 2601 to 2617 do not, however, include minerals which have been submitted to processes not normal to the metallurgical industry.

Heading 2830, HTSUS, provides for "Sulfides; polysulfides, whether or not chemically defined." The E.N. to heading 2830, HTSUS, states that the heading covers metal sulphides including:

* * *

(9) **Antimony sulphides.**

(a) **Artificial trisulphide** (Sb_2S_3). . .

* * *

The antimony trisulphide at issue is an ore which is intended for non-metallurgical purposes, i.e, brake pads. However, it is also a mineralogical

species actually used in the metallurgical industry. Chapter Note 2 to Chapter 26, HTSUS, states that ores include minerals of mineralogical species actually used in the metallurgical industry for the extraction of mercury, of the metals of heading 2844 or of the metals of Section XIV or XV, **even if they are intended for non-metallurgical purposes**. Thus, the use of antimony trisulphide for brake pads does not disqualify it from classification in Chapter 26, HTSUS. The processing the antimony trisulphide undergoes, namely simple froth flotation, is a physical process of mineral segregation that does not result in any chemical or physical change to the either the ore or the gangue. The antimony trisulfide remains the same throughout its processing, packaging, and utilization in applications to which it is applied. The molecular and crystallographic structure and form are not altered in any way. As it has not been chemically modified, classification in heading 2830, HTSUS, is precluded. Pursuant to GRI 1, the antimony trisulphide is classified in heading 2617, HTSUS.

HOLDING:

NY R01069, dated December 8, 2004, is hereby revoked.

The antimony trisulphide is classified in subheading 2617.10.0000, HTSUS, which provides for "Other ores and concentrates: Antimony ores and concentrates." The general column one rate of duty is Free.

Duty rates are provided for your convenience and are subject to change. The text of the most recent HTSUS and the accompanying duty rates are provided on the internet at www.usitc.gov.

MYLES B. HARMON,
Director,
Commercial and Trade Facilitation Division.

Index

Customs Bulletin and Decisions
Vol. 40, No. 9, February 22, 2006

General Notices

Page

Copyright, trademark, and trade name recordations
No. 11 2005 1
No. 12 2005 3
No. 1 2006 7

CUSTOMS RULINGS LETTERS AND TREATMENT

Page

Tariff classification:
Proposed revocation of ruling letter and revocation of treatment
Antimony trisulphide 14

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